HIGH COURT OF UTTARANCHAL AT NAINITAL.

Correction/modification application no. 78825/96
IN
Writ Petition no. 1395(S/S) 2001
(Old no. 38817/1996)

Umarao Singh Rawat and 13 ors. -----Petitioners.

Versus

The State of U.P. through the Revenue Secretary,
Ministry of Revenue, Lucknow and three ors. ----Respondents.

Mr. Vipul Sharma, Adv., holding brief of Sri Sudhanshu Dhulia, Senior Advocate for the applicant/ petitioners, Sri Paresh Tripathi, learned Standing Counsel for the respondents /State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vipul Sharma Adv., holding brief of Sri Sudhanshu Dhulia, learned Senior Counsel for the applicant/ petitioners and Sri Paresh Tripathi, learned Standing Counsel for the State/ respondents.

The present writ petition has been filed by the petitioners for the following reliefs:-

i. To issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 3 & 4 to regularise the services of the petitioners as Collection Amins and Collection Peons, as the case may be,

ii. To issue any other writ, order or direction, which this Hon'ble Court may deem proper and appropriate under the facts and circumstances of the case.

From perusal of the record it appears that the petitioners were appointed as Seasonal Collection Amins/Seasonal

Collection Peons in the district Nainital sometime in the year 1989. On 08.01.1996, as alleged by the petitioners, a Govt. Order was issued by which 35% of all the posts of Collection Amin and Collection Peon shall be filled from amongst the Seasonal Collection Amin/Seasonal Collection Peon who had worked for four years or more seasons satisfactorily and have not crossed the age of 45 years on 12th July of concerned year in which the recruitment for the post of Collection Amin/ Collection Peon is to be made.

Submission of the petitioners is that they are being appointed again and again as Seasonal Collection Amin/Seasonal Collection Peon after giving artificial breaks. At the time of filing the writ petition, they were provided appointment on the post of Seasonal Collection Amin/Seasonal Collection Peon till 31st December 1996.

The Allahabad High Court on 03.12.1996 has passed the order that for a period of two months or till the disposal of the representations of the petitioners, whichever is earlier, the services of the petitioners shall not be dispensed with. They will also be entitled to their salaries for the period they actually work. With these observations and directions the petition stands disposed of finally.

A correction/modification application no. 78825/96 was moved by the petitioners before the Allahabad High Court, in which no order is passed till date.

During the course of arguments, learned counsel for the petitioners has submitted that some of the petitioners might have been regularised. In the circumstances, it is provided that

in case, any of the petitioners, is still working on the post of Seasonal Collection Amin/Seasonal Collection Peon, the respondents while making recruitments against the vacant posts of Collection Amin/ Collection Peon, may also consider the case of petitioners in accordance with law for appointment on the post of regular Collection Amin/Collection Peon.

With this direction, the application is disposed of.

(M.M. Ghildiyal, J.)

August 3, 2006:
NCM: